

Attorney Docket No.: 5649-1146

IFW#
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dong-yang Lee

Confirmation No.: 6395

Serial No.: 10/676,232

Filed: October 1, 2003

For: DYNAMIC RANDOM ACCESS MEMORY DEVICES AND METHOD OF
CONTROLLING REFRESH OPERATION THEREOF

October 20, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO GRANT A FILING DATE FOR A COMPLETE NON-PROVISIONAL
APPLICATION**

Sir:

In response to the Notice of Incomplete Non-Provisional Application, Applicant... hereby petitions to assign the filing date of October 1, 2003, for the above-identified patent application as this was the date the Application (including the 1 formal drawing sheet) was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of October 1, 2003 being the filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing that 1 formal drawing sheet was included and the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS of October 1, 2003;
3. A true and accurate copy of the 1 formal Drawing sheet included with the Application; and
4. A true and accurate copy of our return post card indicating that the Application was received by the USPTO (granting an initial filing date of October 1, 2003) and indicating the inclusion of the 1 formal drawing sheet with the application.

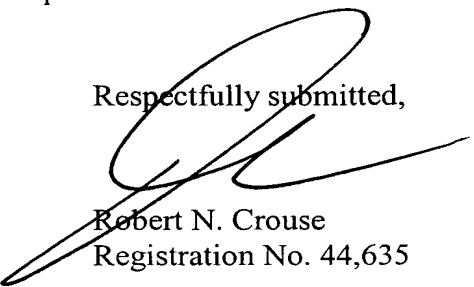
This petition is being filed promptly after Applicant became aware that no filing date has been granted as indicated in the Notice of Incomplete Non-Provisional Application. Accordingly, Applicant respectfully requests the granting of October 1, 2003 as the filing date in view of the evidence provided with the present petition.

10/26/2004 MAHME1 00000030 500220 10676232

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The Commissioner is authorized to charge the required fee of \$130 to Deposit Account No. 50-0220 for consideration of the present petition. However, Applicant concurrently hereby petitions for a refund of the petition fee (\$130) on the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505. Thus the need to file this petition is due to error on the part of the USPTO. The Commissioner is authorized to charge any deficiency, credit any overpayments or refunds to Deposit Account No. 50-0220.

Respectfully submitted,

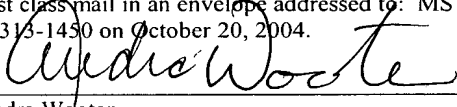


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Certificate of Mailing under 37 CFR 1.8 (or 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20, 2004.



Audra Wooten



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BNC/abw Date: 10-1-03
10-20-03 A0 Doc. No. 5649-1146
Serial No. NTBA
Inventor: Lee


Sir: Kindly acknowledge receipt of the accompanying items listed below

by placing your receiving stamp hereon and return mailing:

<input checked="" type="checkbox"/> Application Transmittal and:	<input checked="" type="checkbox"/> Check \$ <u>770.00</u>
<input checked="" type="checkbox"/> Specification pages <u>10</u>	<input type="checkbox"/> IDS & PTO-1449 & <u> </u> rets.
<input checked="" type="checkbox"/> No. of Claims <u>10</u>	<input type="checkbox"/> Amendment & Amend. Transmittal
<input checked="" type="checkbox"/> Declaration & POA	<input type="checkbox"/> Preliminary Amendment
<input checked="" type="checkbox"/> Assignment and Fee <u>-\$40</u>	<input type="checkbox"/> Issue Fee
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Brief
<input checked="" type="checkbox"/> Formal Drawings/ <u>1</u> sheets	<input checked="" type="checkbox"/> Appeal
<input type="checkbox"/> Associate Power of Attorney	<input checked="" type="checkbox"/> Submittal of Priority Doc.
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Other: <u> </u>	

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

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